

1 Ford Greene
California State Bar No. 107601
2 HUB LAW OFFICES
711 Sir Francis Drake Boulevard
3 San Anselmo, California 94960-1949
Telephone: (415) 258-0360
4 Telecopier: (415) 456-5318
5 Attorney for Defendant
GERALD ARMSTRONG
6
7
8
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FILED

DEC 8 1994

HOWARD HANSON
MARIN COUNTY CLERK

BY _____
J. STEELE

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MARIN

RECEIVED

DEC 08 1994

11 CHURCH OF SCIENTOLOGY INTERNATIONAL,) No. 157 680
a California not-for-profit) **HUB LAW OFFICES**
12 religious corporation,)
13 Plaintiff,)
14 vs.)
15 GERALD ARMSTRONG; MICHAEL WALTON;)
THE GERALD ARMSTRONG CORPORATION,)
16 a California for-profit)
corporation; DOES 1 through 100,)
17 inclusive,)
18 Defendants.)
19)

Date: December 8, 1994
Time: 9:30 a.m.
Dept: One
Trial Date: 5/18/95

20 TO: CHURCH OF SCIENTOLOGY INTENTIONAL AND ITS ATTORNEYS OF
21 RECORD:

22 PLEASE TAKE NOTICE that on December 8, 1994 at 9:30 a.m., in
23 Department 1 of the above-entitled Court, located at the Hall of
24 Justice, Marin County Civic Center, San Rafael, California,
25 defendant Gerald Armstrong, by and through his attorney of record,
26 Ford Greene, will seek ex parte orders allowing continuing the
27 December 23, 1994 hearing on Scientology's C.C.P. § 437c motion
28 and the dates for the opposition thereto.

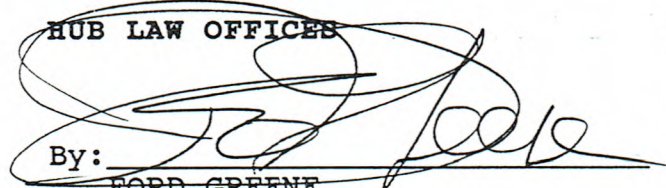
COPY

1 The basis for this ex parte request is that Armstrong's
2 counsel is presently in a lengthy, complex and fact-intensive jury
3 trial in Sonoma County Superior Court, and does not have time to
4 respond to the motion, a fact known by Scientology and calculated
5 into its law and motion strategy.

6 The legal basis for the instant application includes, but is
7 not limited to California Rule of Court 379, and Local Rule 2.10.

8 This ex parte application is based upon this notice, the
9 attached declaration of Ford Greene, the court's files and records
10 in this case and such other material as is presented in support of
11 the application.

12 DATED: December 8, 1994

HUB LAW OFFICES

By: _____
FORD GREENE
Attorney for Defendant
GERALD ARMSTRONG

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DECLARATION OF FORD GREENE

FORD GREENE declares:

1. I am an attorney licensed to practice law in the Courts of the State of California and am the attorney of record for GERALD ARMSTRONG, defendant herein.

2. I am also counsel for plaintiff in Simon v. Chakpori-Ling Foundation, Sonoma County Superior Court, Case No. 175 898. The case is in Department 7, the Honorable Elaine Watters, presiding. Judge Watters has blocked-out trial time through February 3, 1995.

3. On November 8th, I fax a letter to Ms. Bartilson wherein I advised her that the Simon trial would commence on November 28th. (Exh. A)

4. On November 9th, Ms. Bartilson wrote me and confirmed that she had verified with the Sonoma County Clerk that the trial in Simon was set to commence on November 28th. (Exh. B)

5. On November 17, 1994, my office was personally served with Scientology's two-and-one-half-inch-thick motion brought pursuant to C.C.P. § 437c. The hearing therefor is set on December 23, 1994 in this Department. The opposition thereto must be filed and served on or before December 9, 1994.

6. On November 18th, I faxed a letter to Scientology counsel Bartilson requesting that she stipulate to a continuance of the hearing date because of my participation in the Simon trial. (Exh. C)

7. On November 22nd, Ms. Bartilson wrote me, refusing to agree to my request for an extension. (Exh. D)

8. On Monday, November 28, 1994 jury selection commenced in

1 Simon. Opening arguments were made in the afternoon on November
2 30th. (Exh. E)

3 9. On the morning of Wednesday, November 30th, I wrote Ms.
4 Bartilson again renewing my request that she agree to a
5 continuance and advising that if I received no cooperation I would
6 seek ex parte relief the next day. (Exh. F)

7 10. On the afternoon of November 30th Ms. Bartilson wrote me
8 and stated she was willing to stipulate to a "brief continuance."

9 In reliance thereon, I advised her that the ex parte
10 application would not be forthcoming. (Exh. G)

11 11. On Monday December 5th, I faxed Ms. Bartilson and
12 advised her that I wanted the hearing to take place on or after
13 February 25th. I further advised her that I anticipated her
14 refusal and thus the instant ex parte application would be made on
15 December 8th at 9:30 a.m. in Department One. (Exh. H)

16 12. The trial in this case is set for May 18, 1994.
17 Therefore, the latest that the section 437c hearing could be held
18 in absence of a court order extending the time therefor would be
19 April 18, 1994. Plaintiff will not be prejudiced by a continuance
20 of the hearing date on the motion. If the requested continuance
21 is not granted, defendant Armstrong will be prejudiced because his
22 counsel is in an ongoing, lengthy and complex jury trial and is
23 unable to effectively respond to the motion. Furthermore,
24 Scientology counsel was aware of my trial schedule in Simon and
25 deliberately calendared the section 437c motion so as to conflict
26 with said schedule and thereby obtain an undue advantage or cause
27 me to direct my resources to obtaining ex parte relief.

28 13. I have given notice of the present application for ex

1 parte orders to counsel for plaintiff in the following manner:

2 a. By letter telecopied on December 5, 1994 at 12:48 p.m.

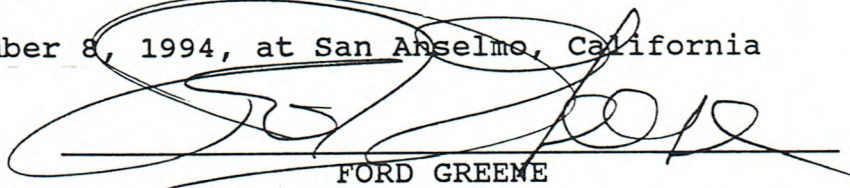
3 14. I received the following response to said notice: None.

4 Under penalty of perjury pursuant to the laws of the State of
5 California I hereby declare that the foregoing is true and correct
6 according to my first-hand knowledge, except those matters stated
7 to be on information and belief, and as to those matters, I
8 believe them to be true.

9 Executed on December 8, 1994, at San Anselmo, California

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FORD GREENE

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ORDER

GOOD CAUSE appearing therefor, it is hereby ORDERED that the hearing on Scientology's motion for summary adjudication be continued to 1-27-95, at 9:00 a.m. in Department One. All dates for filing related papers shall be calculated from the above date to which the hearing on the motion has been continued.

DATED: **DEC 8 1994**

GARY W. THOMAS

Judge of the Superior Court

FORD GREENE
LAWYER

HUB LAW OFFICES
711 SIR FRANCIS DRAKE BOULEVARD
SAN ANSELMO, CALIFORNIA 94960-1949
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November 8, 1994

Laurie J. Bartilson
BOWLES & MOXON
6255 Sunset Boulevard, Suite 2000
Los Angeles, California 90028

By Telecopier
213.953.3351

RE: *Church of Scientology International v. Armstrong*
Los Angeles Superior Court
Case No. BC 052 395

Dear Laurie:

Yesterday afternoon I received a message from you on my answering machine asking me to call you because there were some depositions that you wanted to set and you wanted to meet and confer with me regarding convenient dates. I returned your call, but was told that you had gone to the law library. Later in the afternoon, my office was personally served with a notice of deposition in Colorado for Lawrence Wollersheim for November 17th.

My trial in Simon starts on November 28th (Judge Watters having changed it). There is no way that I can or will go to Colorado on this short notice which violates the spirit, if not the letter, of our prior agreement that was designed not to have discovery in Armstrong interfere with my trial preparation in Simon. Furthermore, it is my understanding that Mr. Wollersheim is not available at any rate until after the 1st of the year which is the time period that you and I previously agreed would be when the Colorado depositions would proceed.

Please withdraw your notice for Mr. Wollersheim's deposition. Otherwise, I will have to seek a protective order and sanctions. This abrupt change in attitude is strange and disconcerting. What gives?

Sincerely,



FORD GREENE

:acg

cc: Andrew H. Wilson
Michael L. Hertzberg
Michael Walton

pcc LW



BOWLES & MOXON
ATTORNEYS AT LAW
6255 SUNSET BOULEVARD
SUITE 2000
HOLLYWOOD, CALIFORNIA 90028

TIMOTHY BOWLES *
KENDRICK L. MOXON #
LAURIE J. BARTILSON †
HELENA K. KOBRIN ‡

(213) 463-4395
TELECOPIER (213) 953-3351

AVA MARIE SANDLIN

* ALSO ADMITTED IN OREGON
ALSO ADMITTED IN THE DISTRICT OF COLUMBIA
† ALSO ADMITTED IN MASSACHUSETTS
‡ ALSO ADMITTED IN FLORIDA

OF COUNSEL
JEANNE M. GAVIGAN
MARCELLO M. DI MAURO
LESLIE T.W. SOASH

November 9, 1994

BY TELEFAX AND U.S. MAIL

RECEIVED

NOV 12 1994

HUB LAW OFFICES

Ford Greene, Esq.
Hub Law Offices
711 Sir Francis Drake Blvd.
San Anselmo, California 94960-1949

Re: Church of Scientology International v. Gerald Armstrong
LASC BC 052395

*cc fax
at copy to
Klein & Co
1/11*

Dear Ford:

Thank you for your letter of November 8 regarding the deposition of Larry Wollersheim in the above-entitled case. I hope that we will be able to reach an agreement concerning this deposition.

As you know, I have been leaving messages at your office for more than a week, but you have not returned my calls. With no return communication, it is impossible for me to be endlessly accommodating concerning your schedule.

Our agreement, memorialized by a letter dated September 30, 1994 was that "the plaintiff will not notice any additional depositions to be taken in this action until the trial in your case of Simon v. Chakpori Ling Foundation, Sonoma County Superior Court No. 175898 is concluded or the case settled, provided that the case does indeed commence trial proceedings as scheduled on October 28, 1994." You further agreed that you would "keep me apprised of developments in that case, and, specifically, to notify me immediately should (1) you agree to settle the case; (2) the trial concludes; or (3) the trial is postponed." The agreement certainly did not include the postponement of Mr. Wollersheim's deposition (or anyone's, for that matter) until 1995.

You did not keep me informed of the status of your trial. When I was unable to reach you last week, I contacted the Sonoma County clerk, and was informed that your trial had, indeed, been postponed for one month. Recognizing that you were thus available for November, but would become unavailable after November 28, I noticed Mr. Wollersheim's deposition for November 17.

Ford Greene
November 9, 1994
Page 2

Ford, you specifically requested that I limit the depositions in this case during October so that you could use the time to prepare for your trial, which was scheduled to start on October 28. There should be no need for you to demand that I similarly clear the rest of November. Had you informed me of the postponement in a timely fashion, I would have tried to schedule Wollersheim and the other depositions earlier in the month. Now, I am left with little choice but to place them either at the end of the month, or during your trial.

I am, however, willing to work with you to arrange a deposition of Mr. Wollersheim that will accommodate all of our needs. Will you produce Mr. Wollersheim by agreement, or must I serve him? What dates in November or December are available for you and for Mr. Wollersheim? Will Mr. Wollersheim agree to come to California if plaintiff agrees to pay for one half of his transportation? Please get back to me as soon as possible with answers to these questions.

In addition, I would also like to schedule the depositions of Ed Roberts and Denise Cantin as soon as possible. Please provide me with possible dates for these deponents as well.

Finally, there are outstanding requests for production of documents addressed to Mr. Armstrong and to the Gerald Armstrong Corporation. They were originally served on August 10, 1994, and, by agreement, you have had an extension of time in which to respond. Please be advised that plaintiff is not willing to extend indefinitely the time in which to respond, and requests that Armstrong and the Gerald Armstrong Corporation respond to the document requests by November 21, 1994.

Sincerely,

BOWLES & MOXON



Laurie J. Bartilson

LJB:aeu
ENC.

cc: Andrew H. Wilson, Esq.
Michael Lee Hertzberg, Esq.
Paul Morantz, Esq.

FORD GREENE
LAWYER

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November 18, 1994

Laurie J. Bartilson
BOWLES & MOXON
6255 Sunset Boulevard, Suite 2000
Los Angeles, CA 90028

By Telecopier
213-953-3351

RE: *Scientology v. Armstrong*
Marin County Superior Court
Case No. 157 680

Dear Laurie:

Yesterday my office received personal service of the motion for summary adjudication that you have set for December 23, 1994 at 9:00 a.m. As you know, I will be in trial all of that month. Thus, I am requesting your cooperation to reset the hearing so that I can have a reasonable opportunity to oppose the same. In addition, I want to take the deposition of Michael Flynn before the hearing because his testimony is central to the issue of whether or not my client consented to the signing of the settlement contract.

As to the deposition of Lawrence Wollersheim, I would like his deposition to proceed sometime after the first of the year (as you and I previously discussed) because I am unable to handle a trip to Colorado and being in trial at the same time. I have the same scheduling difficulties with respect to Ed Roberts and Denise Cantin and request the same consideration.

I look forward to hearing from you.

Sincerely,



FORD GREENE

:acg

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ATTORNEYS AT LAW
6255 SUNSET BOULEVARD
SUITE 2000
HOLLYWOOD, CALIFORNIA 90028

TIMOTHY BOWLES *
KENDRICK L. MOXON #
LAURIE J. BARTILSON †
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(213) 463-4395
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* ALSO ADMITTED IN OREGON
ALSO ADMITTED IN THE DISTRICT OF
COLUMBIA
† ALSO ADMITTED IN MASSACHUSETTS
‡ ALSO ADMITTED IN FLORIDA

November 22, 1994

BY TELEFAX AND U.S. MAIL

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NOV 28 1994

HUB LAW OFFICES

Ford Greene, Esq.
Hub Law Offices
711 Sir Francis Drake Blvd.
San Anselmo, California 94960-1949

Re: Church of Scientology International v. Gerald Armstrong
LASC BC 052395

Dear Ford:

Thank you for your letter of November 18, 1994. Unfortunately, I am not able to agree to delay the hearing on plaintiff's motion for summary adjudication beyond the date for which it is presently scheduled. You, your co-counsel, Mr. Morantz, and your client have delayed resolution of this case, and we are no longer willing to accommodate your many requests for more delays.

As you are well aware, the motion for summary adjudication was originally filed in the Los Angeles action on August 2, 1994. We took it off calendar solely as an accommodation during the period that the case file was being transferred. Had you been cooperative during the transfer process, we would have been able to refile it much sooner and it would already have been briefed and heard. In any case, you have had the motion and its supporting memorandum and evidence in your position for 15 weeks. I am certain that you and your co-counsel, Mr. Morantz, will be able to oppose the current motion adequately.

Indeed, your request for more time is made even more outrageous by the fact that a substantially similar motion was first filed by plaintiff in March 1993. The theory of that motion, much of the supporting evidence, and the legal arguments contained in the brief are precisely the same. Thus, for the vast majority of the motion, you have already had not merely weeks to prepare, but more than 20 months.

Ford Greene
November 22, 1994
Page 2

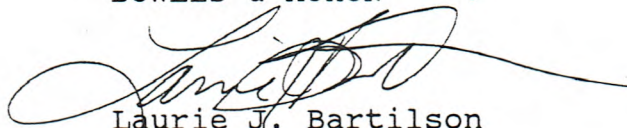
Further, your client has no need to depose Michael Flynn, nor anyone else, on the subject of whether or not he "consented to the signing" of the settlement contract. That issue has already been decided adversely to him by both the Court of Appeal and the Superior Court. Moreover, I find it remarkable that you claim a need to depose Michael Flynn now, when you have had over two years in which to take discovery. I remind you that in May 1992, plaintiff attempted to take Mr. Flynn's deposition and you and Mr. Morantz brought a successful application for a protective order to prevent the deposition from taking place. You are certainly in no position now to claim that lack of such a deposition prevents you from opposing a summary adjudication motion.

Similarly, I am not able to delay plaintiff's necessary depositions for another month, particularly with the discovery cut-off approaching and my anticipation that I will need to bring motions to compel answers to questions from at least Mr. Wollersheim, based on your objections during Armstrong's deposition. Since you will not provide me with dates that are convenient for you and Mr. Morantz in December, I will proceed to set these depositions by subpoena and notice.

Please advise me as to the current status of your case which you claimed would be in trial in November, and is not.

Sincerely,

BOWLES & MOXON



Laurie J. Bartilson

LJB:aeu

cc: Andrew H. Wilson, Esq.
Michael Lee Hertzberg, Esq.
Paul Morantz, Esq.
Michael Walton, Esq.

Santa Rosa, California, Thursday, December 1, 1994

Ex-Buddhist nun says she was abused

Sex-slave claim opens civil trial

By CLARK MASON
Staff Writer

A trial involving a former Buddhist nun who claims she was made a sex slave and exploited by the guru-like head of a Forestville monastery began Wednesday after years of delay.

The jury trial involving Norbu L. Chan, head of the Chakpori-Ling Foundation, pits him against his former follower, Harla Simon, and raises fundamental questions about the role of free will, cults and religious practices.

Simon claims Chan preyed on her vulnerability to satisfy his own compulsions. She says he used mind control, sleep deprivation

and starvation to make her a servant for him and his six children in the 6½ years she lived at the monastery during the 1980s.

In the civil trial unfolding in Sonoma County Superior Court, she claims he used her for his own sexual gratification and choreographed her in sex scenes with other women, including his wife, on a weekly basis.

Simon's allegations were detailed to a jury in opening arguments Wednesday by her attorney, Ford Greene of San Anselmo.

The attorney for Chan's foundation, Charlie Cochran, said Simon is simply seeking someone to blame and she was an eager devotee of Buddhism and the esoteric practices that go with it before she ever met Chan.

Cochran said Simon, who is also known as Harla Lama, tried "alter-
See Trial, Page B3

Trial

Continued from Page B1

nate sexual orientations before she ever met Norbu Chan." He said the facts will show she had sex with Margaret Wheat, Chan's ex-wife, twice in Chan's acupuncture office, then decided to move into his Forestville monastery off Pocket Canyon Road.

"She declared she was never happier in her life than when she moved into the monastery," Cochran told jurors in the trial, which is being presided over by Judge Elaine Watters.

Cochran portrayed Chan as a respected and enlightened teacher of Vajrayana Buddhism who was asked to sit with the Dalai Lama of Tibet.

He said Simon could have left the monastery at any time and, in fact, completed a master's degree in counseling at San Francisco State University during the time she was in Forestville.

But Greene said Chan is an "extremely cunning" man who took advantage of Simon's needs, which were caused by an emotionally detached father and an automobile accident as a child. It severely injured her and killed her mother.

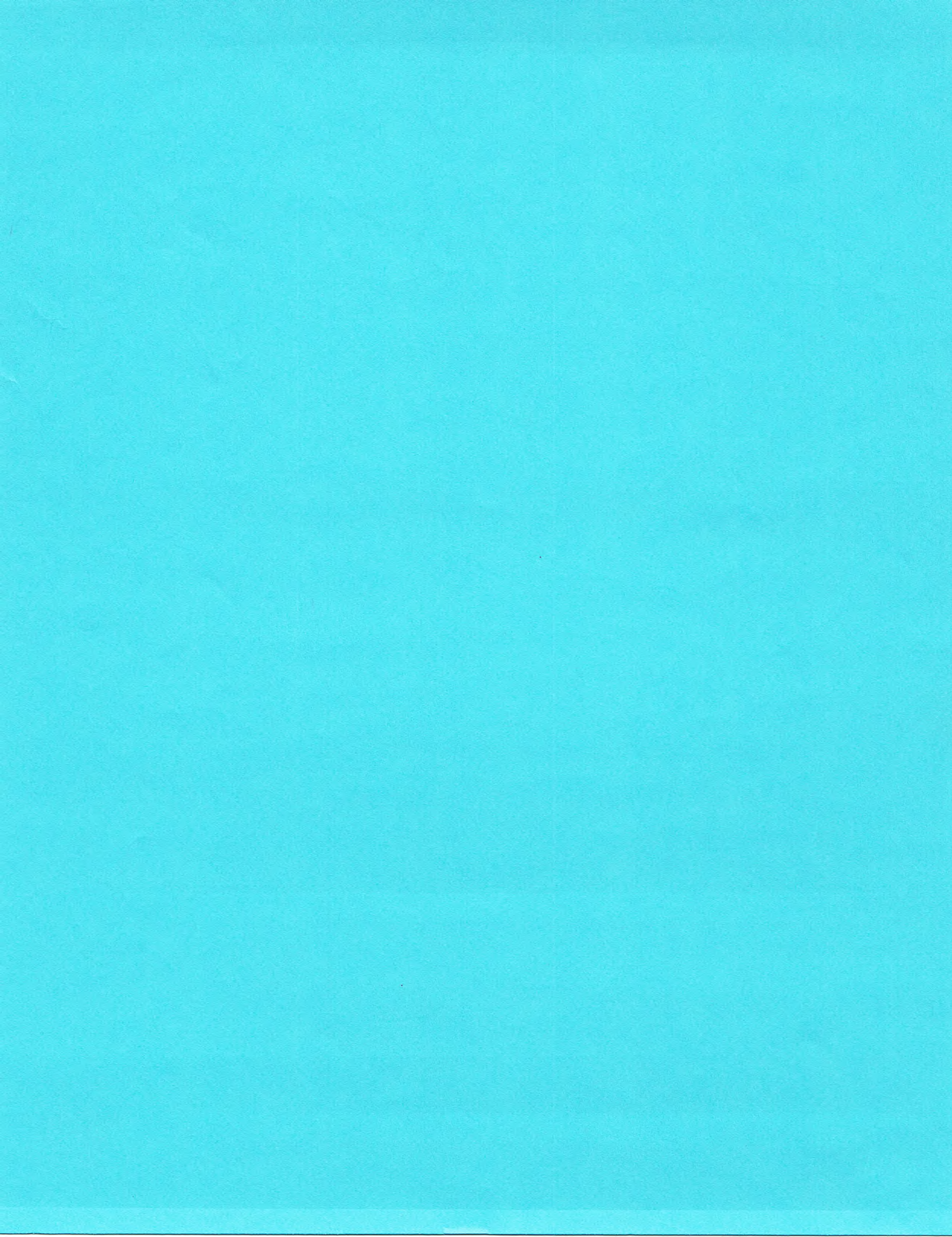
"This case is about a search for

family and a search for love and the perils that path is beset with," Greene said. "Because of her need to search, she was vulnerable."

Greene said the trial will deal with the interplay between trust and treachery, belief and betrayal, independence and slavery. He said Simon deserves monetary compensation for Chan's conduct.

The first witness, Wheat, described Chan's early career as a Kung-Fu teacher in Houston and New Orleans before moving to California. She testified Chan falsely claimed to have made numerous trips to Nepal and India.

The trial resumes Friday at 10 a.m.



FORD GREENE
LAWYER

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November 30, 1994

Laurie J. Bartilson
BOWLES & MOXON
6255 Sunset Boulevard, Suite 2000
Los Angeles, CA 90028

By Telecopier
213-953-3351

RE: *Scientology v. Armstrong*
Marin County Superior Court
Case No. 157 680

Dear Laurie:

I am in the process of jury selection in Simon. I renew my request to continue the hearing date on your 437c motion.

If you do not cooperate, I will appear at 9:30 a.m. on December 1st, 1994, before Judge Thomas to seek the appropriate ex parte relief.

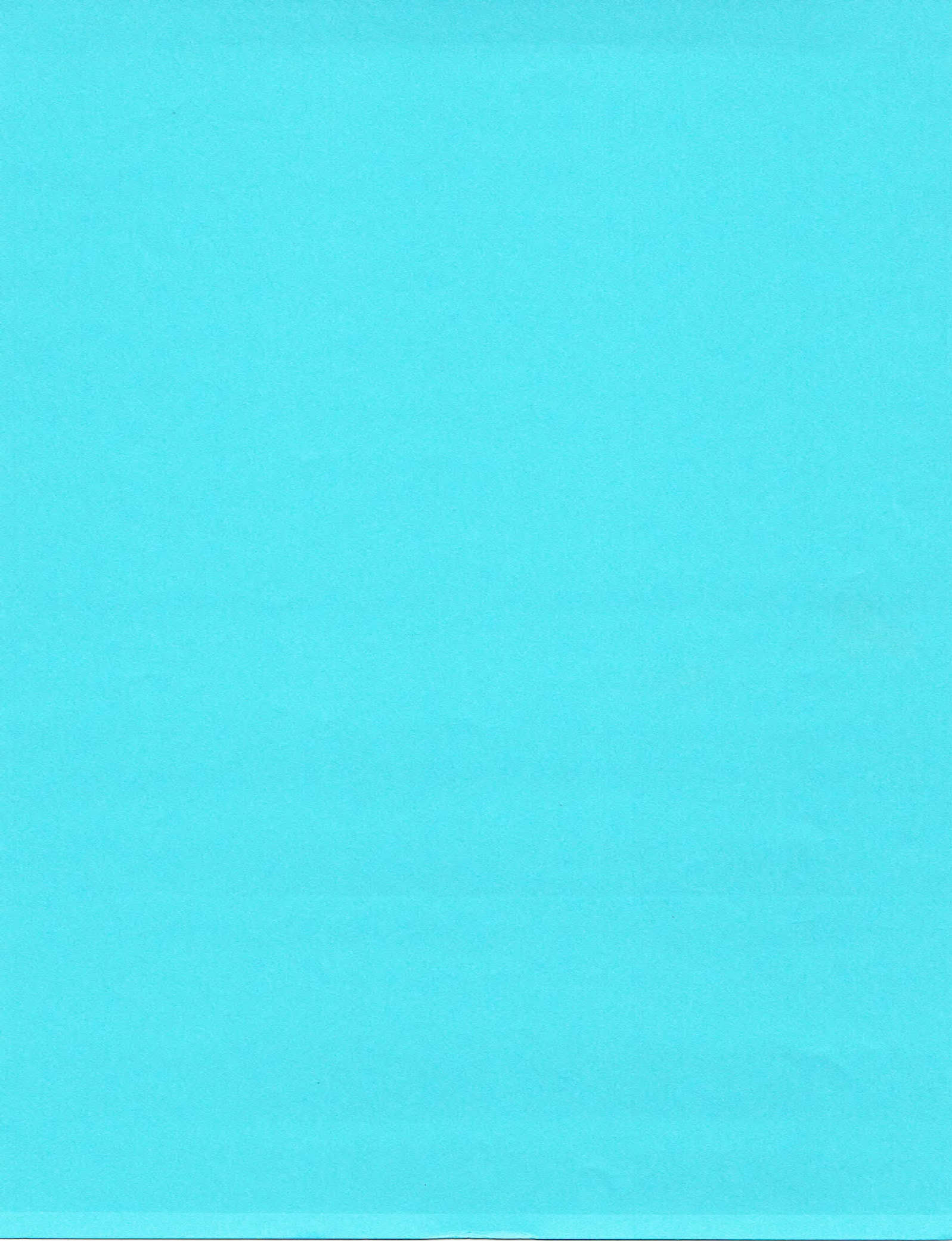
Sincerely,



FORD GREENE

:acg

cc: Andrew H. Wilson (by fax)



BOWLES & MOXON
ATTORNEYS AT LAW
6255 SUNSET BOULEVARD
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TIMOTHY BOWLES *
KENDRICK L. MOXON #
LAURIE J. BARTILSON †
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* ALSO ADMITTED IN OREGON
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November 30, 1994
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NOV 30 1994

HUB LAW OFFICES

Ford Greene, Esq.
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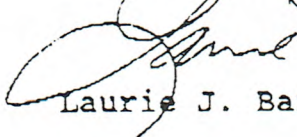
Re: Church of Scientology International v. Gerald Armstrong
LASC BC 052395

Dear Ford:

This will confirm that at 5:15 p.m. today, Gerald Armstrong called me and informed me that you would not be seeking ex parte relief on December 1, as you had previously notified me that you would. Based on Mr. Armstrong's representation that you were withdrawing your notice, I will not be appearing tomorrow or filing papers, as I had planned to do.

Sincerely,

BOWLES & MOXON


Laurie J. Bartilson

LJB:aeu

cc: Andrew H. Wilson, Esq.
Michael Lee Hertzberg, Esq.
Paul Morantz, Esq.
Michael Walton, Esq.

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December 5, 1994

Laurie J. Bartilson
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By Telecopier
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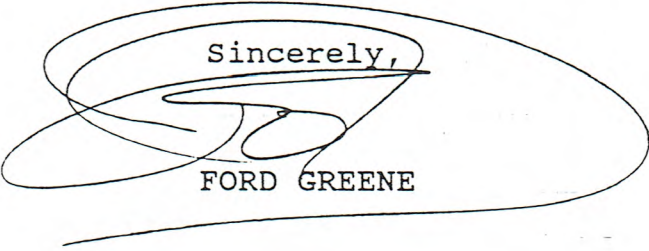
RE: *Scientology v. Armstrong*
Marin County Superior Court
Case No. 157 680

Dear Laurie:

The trial in Simon is proceeding and has been calendared to last through January. Thus, I propose February 24, 1995 as the date for the 437c hearing.

In anticipation of your rejection of this proposal, please be advised that I will seek an ex parte order on December 8th at 9:30 a.m. before Judge Thomas continuing the hearing on the basis that I am in a lengthy and on-going trial in Sonoma County.

Sincerely,



FORD GREENE

:acg
cc: Andrew H. Wilson